

1 CHRISTINE CHANG PRO PER

2 Name and Address

3 341 TIDEWAY DRIVE # 214

4 ALAMEDA, CA 94501

FILED

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7
8 Case No. C 07-4005 EMC

9 CHRISTINE CHANG, ERIC SUN

10 Plaintiff / Petitioner

Document Name:

11 VS.

12 FIRST AMENDED

13 ROCKRIDGE MANOR

14 Defendant / Respondent

15 COMPLAINT

16 MANAGER et al.,

17 EXHIBIT A, B, C

EXHIBIT A

BRETT S. ALLEN, (SBN 165097)
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909 Marina Village Parkway, #669
Alameda, CA 94501
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Attorney for Plaintiffs
Christine Chang and
Eric Sun

**ENDORSED
FILED
ALAMEDA COUNTY**

SEP 18 2001

**CLERK OF THE SUPERIOR COURT
By R.C. Hughes,**

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

UNLIMITED JURISDICTION

CHRISTINE CHANG and ERIC SUN

Plaintiffs,

vs.

**EVA AMMANN, ~~ELIZABETH~~ ADY,
CHARLES BLAKENEY, MIKE
SOLOMON, MURRAY SINGER, and
DOES 1-100, inclusive**

Defendants.

CASE NO. 2001-023364

**COMPLAINT FOR INTENTIONAL
INFLECTION OF EMOTIONAL
DISTRESS, NEGLIGENCE, SLANDER,
AND INTRUSION**

Plaintiffs, CHRISTINE CHANG and ERIC SUN complain of Defendants and each of them as follows:

GENERAL ALLEGATIONS

1. At all times relevant to this lawsuit, Plaintiffs, CHRISTINE CHANG and ERIC SUN, ("Plaintiffs") were residents of Alameda County, California.
2. Plaintiffs are informed and believe that at all times relevant to this lawsuit defendant EVA AMMANN was and is a natural person residing in Alameda County.
3. Plaintiffs are informed and believe that at all times relevant to this lawsuit

1 defendant CHARLES BLAKENEY was and is a natural person residing in
2 Alameda County.

3 4. Plaintiffs are informed and believe that at all times relevant to this lawsuit
4 defendant MIKE SOLOMON was and is a natural person residing in Alameda
5 County.

6 5. Plaintiffs are informed and believe that at all times relevant to this lawsuit
7 defendant MURRAY SINGER was and is a natural person residing in Alameda
8 County.

9 6. Defendants Does 1 through 100, inclusive, are sued herein under fictitious
10 names because their true names and capacities, whether individual, associate,
11 corporate or governmental, are not now known to Plaintiffs. Plaintiffs are
12 informed and believe and upon such information and belief allege that each of
13 the Defendants named as a Doe is negligently or otherwise legally responsible in
14 some manner for the events herein alleged, and that said Defendants negligently
15 acted or omitted to act in one or more of their occupations and businesses and
16 that such negligence or fault proximately caused the injuries and damages
17 hereinafter set forth. Plaintiffs pray leave to insert the true names and capacities
18 of said Defendants when the same are ascertained.

19 7. At all times herein mentioned, each and every one of the Defendants
20 herein was the agent, servant and employee of each other, and each was acting
21 within the course and scope of such agency, service and employment.

22 8. At all times relevant to this lawsuit plaintiffs CHRISTINE CHANG and
23 ERIC SUN resided in unit number 314 located in the Rockridge Manor
24 Condominium complex at 2005 Pleasant Valley Avenue, Oakland, California.

25 9. At all times relevant to this lawsuit, plaintiffs are informed and believe that
26 defendant EVA AMMANN was the manager of Rockridge Manor Condominium
27 complex and resided in said complex located at 2005 Pleasant Valley Avenue,
28 Oakland, California.

10. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant CHARLES BLAKENEY was on the board of directors of the Rockridge Manor Condominium complex and resided in said complex located at 2005 Pleasant Valley Avenue, Oakland, California.

11. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant MIKE SOLOMON was on the board of directors of the Rockridge Manor Condominium complex and resided in the complex located at 2005 Pleasant Valley Avenue, Oakland, California.

12. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant MURRAY SINGER was on the board of directors of the Rockridge Manor Condominium complex and resided in said complex located at 2005 Pleasant Valley Avenue, Oakland, California.

FIRST CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

13. On or about September 14, 2000, defendant EVA AMMANN contacted the Department of Social Services and knowingly and falsely reported that plaintiff ERIC SUN was acting dangerously and possessed a gun.

14. Defendants' conduct as alleged here was intentional and malicious and done for the purpose of causing Plaintiffs to suffer humiliation, mental anguish, and emotional and physical distress. Defendants CHARLES BLAKENEY, MIKE SOLOMON, and MURRAY SINGER's conduct in confirming and ratifying the wrongful conduct was done with a wanton and reckless disregard of the consequences to Plaintiffs.

15. As the proximate result of the aforementioned acts, Plaintiffs suffered humiliation, mental anguish, embarrassment, shame, and emotional and physical distress, and have been injured in mind and body, all to Plaintiffs's damage.

16. As a result of Defendants's conduct as alleged herein, Plaintiffs suffered severe emotional distress according to proof at trial including but not limited to

THIRD CAUSE OF ACTION
(Slander against EVA AMMANN)

22. Plaintiffs incorporate herein by reference each and every allegation as set forth in Paragraphs 1 through 21 above.

23. On or about September 14, 2000, defendant EVA AMMANN contacted the Department of Social Services and knowingly and falsely reported that plaintiff ERIC SUN was acting dangerously and possessed a gun.

24. Defendant EVA AMMANN's statements were made with wanton disregard for the truth and accused Plaintiff ERIC SUN of possessing a firearm. Therefore, Plaintiff ERIC SUN is entitled to and demands punitive damages against Defendant EVA AMMANN.

25. The result of Defendants's slander as alleged herein, caused Plaintiff ERIC SUN loss of security, humiliation, frustration, mental anguish, and emotional and physical distress.

FOURTH CAUSE OF ACTION
(Intrusion)

26. Plaintiffs incorporate herein by reference each and every allegation as set forth in Paragraphs 1 through 28 above.

27. Defendants actions caused the Department of Social Services and the police to intrude into the life of Plaintiff ERIC SUN in a highly offensive manner.

28. Defendants knew that falsely informing the Department of Social Services and/or the police would cause the police and Department of Social Services personnel to intrude into Plaintiff ERIC SUN's privacy by entering his condominium.

WHEREFORE, Plaintiffs pray judgment as hereinafter set forth.

ON THE FIRST AND THIRD AND FOURTH CAUSES OF ACTION:

1. For general damages according to proof at the time of trial;
2. For costs of suit herein incurred;

3. For punitive damages; and
4. For such other and further relief as the Court deems just and proper.

ON THE SECOND CAUSE OF ACTION:

1. For general damages according to proof at the time of trial;
2. For costs of suit herein incurred; and
3. For such other and further relief as the Court deems just and proper.

Dated: September 11, 2001

Law Office of Brett S. Allen



Brett S. Allen
Attorney for Plaintiffs
CHRISTINE CHANG and
ERIC SUN

exhibit B

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6
7
8 Attorney for Plaintiffs
9 Christine Chang and
10 Eric Sun

11
12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF ALAMEDA
14 UNLIMITED JURISDICTION
15

16 CHRISTINE CHANG and ERIC SUN

CASE NO.: 2001-023364

17 Plaintiffs,

18 vs.

19 EVA AMMANN, CHARLES BLAKENEY,
20 MIKE SOLOMON, MURRAY SINGER,
21 ROCKRIDGE MANOR HOA and DOES
22 2-100, inclusive

FIRST AMENDED COMPLAINT FOR
INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS,
NEGLIGENCE, SLANDER, AND
INTRUSION

23 Defendants.

24
25 Plaintiffs, CHRISTINE CHANG and ERIC SUN complain of Defendants and each
26 of them as follows:

27 **GENERAL ALLEGATIONS**

- 28
1. At all times relevant to this lawsuit, Plaintiffs, CHRISTINE CHANG and ERIC SUN, ("Plaintiffs") were residents of Alameda County, California.
 2. Plaintiffs are informed and believe that at all times relevant to this lawsuit defendant EVA AMMANN was and is a natural person residing in Alameda County.
 3. Plaintiffs are informed and believe that at all times relevant to this lawsuit

1 defendant CHARLES BLAKENEY was and is a natural person residing in
2 Alameda County.

3 4. Plaintiffs are informed and believe that at all times relevant to this lawsuit
4 defendant MIKE SOLOMON was and is a natural person residing in Alameda
5 County.

6 5. Plaintiffs are informed and believe that at all times relevant to this lawsuit
7 defendant MURRAY SINGER was and is a natural person residing in Alameda
8 County.

9 6. Upon filing the original cross-complaint herein, Plaintiffs were ignorant of
10 the true names of each Defendant and having designated this Defendant in the
11 complaint by a fictitious name, to-wit DOE-1, and having discovered the true
12 name of the Defendant to be the Defendant described in this paragraph, Plaintiff
13 hereby amends its complaint by inserting such true name in the place and stead
14 of such fictitious name wherever it appears in the complaint. ROCKRIDGE
15 MANOR HOA is a business entity, form unknown, which performed managerial
16 functions at the Rockridge Manor Condominium Complex at the time of the
17 relevant events described herein. Plaintiffs are informed and believe and thereon
18 allege that the ROCKRIDGE MANOR HOA participated in the wrongful acts and
19 omissions alleged herein and ratified the wrongful acts and omissions of the
20 other defendants as alleged herein.

21 7. Defendants Does 2 through 100, inclusive, are sued herein under fictitious
22 names because their true names and capacities, whether individual, associate,
23 corporate or governmental, are not now known to Plaintiffs. Plaintiffs are
24 informed and believe and upon such information and belief allege that each of
25 the Defendants named as a Doe is negligently or otherwise legally responsible in
26 some manner for the events herein alleged, and that said Defendants negligently
27 acted or omitted to act in one or more of their occupations and businesses and
28 that such negligence or fault proximately caused the injuries and damages

hereinafter set forth. Plaintiffs pray leave to insert the true names and capacities of said Defendants when the same are ascertained.

8. At all times herein mentioned, each and every one of the Defendants herein was the agent, servant and employee of each other, and each was acting within the course and scope of such agency, service and employment.

9. At all times relevant to this lawsuit plaintiffs CHRISTINE CHANG and ERIC SUN resided in unit number 314 located in the Rockridge Manor Condominium complex at 2005 Pleasant Valley Avenue, Oakland, California.

10. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant EVA AMMANN was the manager of Rockridge Manor Condominium complex and resided in said complex located at 2005 Pleasant Valley Avenue, Oakland, California.

11. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant CHARLES BLAKENEY was on the board of directors of the Rockridge Manor Condominium complex and resided in said complex located at 2005 Pleasant Valley Avenue, Oakland, California.

12. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant MIKE SOLOMON was on the board of directors of the Rockridge Manor Condominium complex and resided in the complex located at 2005 Pleasant Valley Avenue, Oakland, California.

13. At all times relevant to this lawsuit, plaintiffs are informed and believe that defendant MURRAY SINGER was on the board of directors of the Rockridge Manor Condominium complex and resided in said complex located at 2005 Pleasant Valley Avenue, Oakland, California.

FIRST CAUSE OF ACTION
Intentional Infliction of Emotional Distress
Against All Defendants

14. On or about September 14, 2000, defendant EVA AMMANN contacted the Department of Social Services and knowingly and falsely reported that

1 plaintiff ERIC SUN was acting dangerously and possessed a gun.

2 15. Defendants' conduct as alleged here was intentional and malicious and
3 done for the purpose of causing Plaintiffs to suffer humiliation, mental anguish,
4 and emotional and physical distress. Defendants CHARLES BLAKENEY, MIKE
5 SOLOMON, MURRAY SINGER, and the ROCKRIDGE MANOR HOA's conduct
6 in confirming and ratifying the wrongful conduct was done with a wanton and
7 reckless disregard of the consequences to Plaintiffs.

8 16. As the proximate result of the aforementioned acts, Plaintiffs suffered
9 humiliation, mental anguish, embarrassment, shame, and emotional and physical
10 distress, and have been injured in mind and body, all to Plaintiffs's damage.

11 17. As a result of Defendants's conduct as alleged herein, Plaintiffs suffered
12 severe emotional distress according to proof at trial including but not limited to
13 humiliation, embarrassment, anguish, pain, and betrayal.

14 18. As more fully alleged above, in committing all of the foregoing acts of
15 misconduct, Defendants acted in a flagrant, aggravated, and wanton and
16 reckless disregard of the duties and obligations they owed to Plaintiffs and their
17 rights, and Plaintiffs are therefore entitled to and demand punitive damages.

18 19. As more fully alleged above, pursuant to California Civil Code section
19 3345, Plaintiffs are entitled to have penalties, fines, and damages awarded
20 increased in an amount up to three times greater than would otherwise be
21 awarded.

22 **SECOND CAUSE OF ACTION**
23 **Negligence Against All Defendants**

24 20. Plaintiffs incorporate herein by reference each and every allegation as set
25 forth in Paragraphs 1 through 18 above.

26 21. Defendants named herein knew that Plaintiff ERIC SUN had emotional
27 problems and that calling the Department of Social Services and/or the police
28 would greatly harm his state of mind. Additionally, Defendants knew that calling

1 the police and/or the Department of Social Services would cause great emotional
2 harm to Plaintiff CHRISTINE CHANG. Despite this knowledge, Defendants and
3 each of them called and/or ratified the calling of the Department of Social
4 Services and/or the police and fraudulently reported that Plaintiff ERIC SUN
5 possessed a gun and was acting violently. Defendants breached their duty to
6 Plaintiffs by fraudulently, knowingly, and falsely informing or ratifying the
7 informing of the Department of Social Services and/or the police that Plaintiff
8 ERIC SUN possessed a gun and was violent.

9 22. The result of Defendants's negligence as alleged herein, caused the
10 Plaintiffs loss of security, humiliation, frustration, mental anguish, and emotional
11 and physical distress.

12
13 **THIRD CAUSE OF ACTION**
Slander Against All Defendants

14 23. Plaintiffs incorporate herein by reference each and every allegation as set
15 forth in Paragraphs 1 through 21 above.

16 24. On or about September 14, 2000, defendant EVA AMMANN contacted
17 the Department of Social Services and knowingly and falsely reported that
18 plaintiff ERIC SUN was acting dangerously and possessed a gun.

19 25. Defendant EVA AMMANN's statements were made with wanton disregard
20 for the truth and accused Plaintiff ERIC SUN of possessing a firearm.
21 Defendants CHARLES BLAKENEY, MIKE SOLOMON, MURRAY SINGER, and
22 the ROCKRIDGE MANOR HOA's conduct in confirming and ratifying the
23 wrongful conduct was done with a wanton and reckless disregard of the
24 consequences to Plaintiffs Therefore, Plaintiff ERIC SUN is entitled to and
25 demands punitive damages against all Defendants.

26 26. The result of Defendants's slander as alleged herein, caused Plaintiff
27 ERIC SUN loss of security, humiliation, frustration, mental anguish, and
28

emotional and physical distress.

FOURTH CAUSE OF ACTION
Intrusion Against All Defendants

27. Plaintiffs incorporate herein by reference each and every allegation as set forth in Paragraphs 1 through 28 above.

28. Defendants actions caused the Department of Social Services and the police to intrude into the life of Plaintiff ERIC SUN in a highly offensive manner.

29. Defendants knew that falsely informing the Department of Social Services and/or the police would cause the police and Department of Social Services personnel to intrude into Plaintiff ERIC SUN's privacy by entering his condominium.

WHEREFORE, Plaintiffs pray judgment as hereinafter set forth.

ON THE FIRST AND THIRD AND FOURTH CAUSES OF ACTION:

1. For general damages according to proof at the time of trial;
2. For costs of suit herein incurred;
3. For punitive damages; and
4. For such other and further relief as the Court deems just and proper.

ON THE SECOND CAUSE OF ACTION:

1. For general damages according to proof at the time of trial;
2. For costs of suit herein incurred; and
3. For such other and further relief as the Court deems just and proper.

Dated: October 1, 2001

Law Office of Brett S. Allen

Brett S. Allen
Attorney for Plaintiffs
CHRISTINE CHANG and
ERIC SUN

exhibit C

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Attorney for Plaintiffs
Christine Chang and
Eric Sun

**ENDORSED
FILED
ALAMEDA COUNTY**

APR 03 2002

CLERK OF THE SUPERIOR COURT
By R.C. Hughes,

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

UNLIMITED JURISDICTION

CHRISTINE CHANG and ERIC SUN

Plaintiffs,

vs.

CANDACE CELAYA, and DOES 1-30,
inclusive

Defendants.

CASE NO.: **2002-046048**

**COMPLAINT FOR INTENTIONAL
INFLECTION OF EMOTIONAL
DISTRESS, ASSAULT AND BATTERY**

Plaintiffs, CHRISTINE CHANG and ERIC SUN complain of Defendants and each
of them as follows:

GENERAL ALLEGATIONS

1. At all times relevant to this lawsuit, Plaintiffs, CHRISTINE CHANG and ERIC SUN, ("Plaintiffs") were residents of Alameda County, California.
2. Plaintiffs are informed and believe that at all times relevant to this lawsuit defendant CANDACE CELAYA was and is a natural person residing in Alameda County.
3. Defendants Does 1 through 30, inclusive, are sued herein under fictitious names because their true names and capacities, whether individual, associate,

1 corporate or governmental, are not now known to Plaintiffs. Plaintiffs are
2 informed and believe and upon such information and belief allege that each of
3 the Defendants named as a Doe is negligently or otherwise legally responsible in
4 some manner for the events herein alleged, and that said Defendants negligently
5 acted or omitted to act in one or more of their occupations and businesses and
6 that such negligence or fault proximately caused the injuries and damages
7 hereinafter set forth. Plaintiffs pray leave to insert the true names and capacities
8 of said Defendants when the same are ascertained.

9 4. At all times herein mentioned, each and every one of the Defendants
10 herein was the agent, servant and employee of each other, and each was acting
11 within the course and scope of such agency, service and employment.

12 5. At all times relevant to this lawsuit plaintiffs CHRISTINE CHANG and
13 ERIC SUN resided in unit number 314 located in the Rockridge Manor
14 Condominium complex at 2005 Pleasant Valley Avenue, Oakland, California.

15 6. At all times relevant to this lawsuit, plaintiffs are informed and believe that
16 defendant CANDACE CELAYA resided in the Rockridge Manor Condominium
17 complex located at 2005 Pleasant Valley Avenue, Oakland, California.

18 **FIRST CAUSE OF ACTION**
19 (Intentional Infliction of Emotional Distress)

20 7. On or about December 10, 2001, Defendant CELAYA, verbally threatened
21 plaintiffs with bodily injury.

22 8. Defendant's conduct as alleged here was intentional and malicious and
23 done for the purpose of causing Plaintiffs to suffer humiliation, mental anguish,
24 and emotional and physical distress.

25 9. As the proximate result of the aforementioned acts, Plaintiffs suffered
26 humiliation, mental anguish, embarrassment, shame, and emotional and physical
27 distress, and have been injured in mind and body, all to Plaintiffs's damage.

28 10. As a result of Defendant's conduct as alleged herein, Plaintiffs suffered

1 severe emotional distress according to proof at trial including but not limited to
2 humiliation, embarrassment, anguish, pain, and betrayal.

3 **SECOND CAUSE OF ACTION**
4 **(Assault)**

5 11. Plaintiffs incorporate herein by reference each and every allegation as set
6 forth in Paragraphs 1 through 10 above.

7 12. On or about December 10, 2001, in the laundry room located of the
8 Rockridge Manor Condominium complex located at 2005 Pleasant Valley
9 Avenue, Oakland, California, defendant CELAYA, approached plaintiffs in a
10 menacing manor, with closed fists, and stated her intention of striking plaintiffs
11 with her hands.

12 13. In doing the acts as alleged above, defendant CELAYA intended to place
13 plaintiffs in apprehension of great bodily harm.

14 14. As a result of defendant CELAYA's acts as alleged above, plaintiffs, in
15 fact, were placed in great apprehension of great bodily harm.

16 **THIRD CAUSE OF ACTION**
17 **(Battery)**

18 15. Plaintiffs incorporate herein by reference each and every allegation as set
19 forth in Paragraphs 1 through 14 above.

20 16. Immediately thereafter, defendant CELAYA pushed plaintiff CHANG in the
21 chest and grabbed CHANG'S neck with her hands. Defendant CELAYA then
22 repeatedly struck CHANG in the face with her fists. CHANG was able to back
23 away but defendant CELAYA once again grabbed CHANG'S neck and
24 threatened to kill her. CELAYA continued the attack by pushing CHANG against
25 the wall. Plaintiff SUN heard the noise and entered the laundry room. CELAYA
26 pushed and hit SUN in the shoulders, neck, and arm. She also scratched SUN
27 causing his finger to bleed.

28 17. In doing the acts as alleged above, defendant CELAYA acted with the

1 intent to make physical contact with both plaintiffs.

2 **SECOND AND THIRD CAUSES OF ACTION**
3 (Continued)

4 18. At no time did plaintiffs consent to any of the acts of defendant alleged in
5 the second and third causes of action, above.

6 19. As a proximate result of the acts of defendant as alleged in the second
7 and third causes of action, plaintiff CHANG suffered bruises to her neck and
8 face.

9 20. As a proximate result of the acts of defendant as alleged in the second
10 and third causes of action, plaintiff SUN suffered bruises to his shoulders and a
11 cut to his finger.

12 21. As a proximate result of the acts of defendant as alleged in the second
13 and third causes of action, plaintiffs were hurt and injured in their health,
14 strength, and activity, sustaining injuries to their persons, all of which have
15 caused, and continue to cause, plaintiffs great mental and nervous pain and
16 suffering. As a result of these injuries, plaintiffs have suffered general damages
17 in an amount to be determined at trial.

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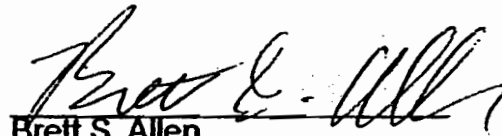
22. The aforementioned conduct of defendant was willful and malicious and was intended to oppress and cause injury to plaintiffs. Plaintiffs are therefore entitled to an award of punitive damages.

WHEREFORE, Plaintiffs pray judgment as hereinafter set forth.

1. For general damages according to proof at the time of trial;
2. For costs of suit herein incurred;
3. For punitive damages; and
4. For such other and further relief as the Court deems just and proper.

Dated: April 1, 2002

Law Office of Brett S. Allen



Brett S. Allen
Attorney for Plaintiffs
CHRISTINE CHANG and
ERIC SUN